

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MELISSA ENG-HATCHER, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

SPRINT NEXTEL CORP.,
SPRINT/UNITED MANAGEMENT CO.,
and DOES 1 through 10, inclusive,

Defendants.

Case No. 07-CIV-7350 (BSJ) (KNF)

**DECLARATION OF ASHLEY R.
HURST IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFF'S (1) MOTION FOR
CONDITIONAL COLLECTIVE
CERTIFICATION AND (2) MOTION
FOR CLASS CERTIFICATION**

I, Ashley R. Hurst, hereby declare and state, under penalty of perjury pursuant to 28
U.S.C. § 1746, as follows:

1. I am a partner with the law firm of Rogers & Hardin LLP, counsel for Defendants Sprint Nextel Corp. and Sprint/United Management Co. in this action, and I have been admitted pro hac vice to practice before this Court. I am personally involved in all aspects of Defendants' defense of this case, including Defendants' participation in discovery. I submit this declaration in support of Defendant's Response to Plaintiff's (1) Motion for Conditional Collective Certification and (2) Motion for Class Certification.

2. Attached hereto as Exhibit 1 is a true and correct copy of the declaration of Derek Bailey signed on July 22, 2008.

3. Attached hereto as Exhibit 2 is a true and correct copy of a letter to Melissa Eng-Hatcher from Randi Giller, Sprint Staffing Department, dated July 19, 2004. The document is Bates numbered SPRMEH-002570.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition of Melissa Eng-Hatcher, who was deposed on April 9, 2008.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Kim Dixon, who was deposed on June 13, 2008.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Mark Galluccio, who was deposed on June 13, 2008.

7. Attached hereto as Exhibit 6 is a true and correct copy of "Job Description - Assistant Store Manager." This document is Bates numbered SPREMH-000419.

8. Attached hereto as Exhibit 7 is a true and correct copy of "2006 Sales Incentive Plans Retail CAF Packet for Area Vice Presidents and Retail Director, Effective Date: June 1, 2005; Document Revised: May 18, 2005." This document is Bates numbered SPRMEH-002339.

9. Attached hereto as Exhibit 8 is a true and correct copy of "2004 Master Incentive Compensation Guide, Effective Date: May 1, 2004; Document Revised: May 1, 2004." This document is Bates numbered SPREMH-002334.

10. Attached hereto as Exhibit 9 is a true and correct copy of "Job Description – Retail Store Host." This document is Bates numbered SPRMEH-000415.

11. Attached hereto as Exhibit 10 is a true and correct copy of the revised declaration of Anthony Wyatt signed on July 22, 2008.

12. Attached hereto as Exhibit 11 is a true and correct copy of the declaration of Julien Ancion signed on July 24, 2008.

13. Attached hereto as Exhibit 12 is a true and correct copy of "Sprint Nextel Employee Guide – January 2007." This document is Bates numbered SPRMEH-001484.

14. Attached hereto as Exhibit 13 is a true and correct copy of "Pay Practices

Guidelines, Effective Date: January 1, 2004.” This document is Bates numbered SPRMEH-000758.

15. Attached hereto as Exhibit 14 is a true and correct copy of “Work Schedules 2006 Policy.” This document is Bates numbered SPRMEH-000279.

16. Attached hereto as Exhibit 15 is a true and correct copy of “Sprint Store Employee Handbook – September 2006.” This document is Bates numbered SPRMEH-000283.

17. Attached hereto as Exhibit 16 is a true and correct copy of “Sprint Store Employee Handbook – March 2005.” This document is Bates numbered SPRMEH-000280.

18. Attached hereto as Exhibit 17 is a true and correct copy of “Overtime 5.8 Policy.” This document is Bates numbered SPRMEH-001744.

19. Attached hereto as Exhibit 18 is a true and correct copy of “2006 Sprint Nextel Pay Practices.” This document is Bates numbered SPRMEH-000350.

20. Attached hereto as Exhibit 19 is a true and correct copy of “2007 Sprint Nextel Pay Practices.” This document is Bates numbered SPRMEH-000365.

21. Attached hereto as Exhibit 20 is a true and correct copy of “January 29, 2004 Email from Brian Bromberg to Adrien Veltri, et al.” This document is Bates numbered SPRMEH-002822.

22. Attached hereto as Exhibit 21 is a true and correct copy of January 26, 2004 Email from Garen Arisian to Garen Arisian.” This document is Bates numbered SPRMEH-002899.

23. Attached hereto as Exhibit 22 is a true and correct copy of “Pay It Right! Sprint’s Overtime Policy for Non-Exempt Employees.” This document is Bates numbered SPRMEH-002901.

24. Attached hereto as Exhibit 23 is a true and correct copy of "Sprint FLSA Compliance Reference Guide Version 1.0 March 2005." This document is Bates numbered SPRMEH-000388.

25. Attached hereto as Exhibit 24 is a true and correct copy of "Sprint 'Front line' Management Training." This document is Bates numbered SPRMEH-000368.

26. Attached hereto as Exhibit 25 is a true and correct copy of "Sprint Nextel 2006 Pay Practices March 2006." This document is Bates numbered SPRMEH-000352.

27. Attached hereto as Exhibit 26 is a true and correct copy of "2006 FLSA & Pay-Practices Training." This document is Bates numbered SPRMEH-000366.

28. Attached hereto as Exhibit 27 is a true and correct copy of "Fair Labor Standards Act (FLSA) Compliance Course # 61668 – 2005." This document is Bates numbered SPRMEH-002199.

29. Attached hereto as Exhibit 28 is a true and correct copy of "Declaration of Mercedes Castillo" signed on May 6, 2008. This document is Bates numbered SPRMEH-002935.

30. Attached hereto as Exhibit 29 is a true and correct copy of "Declaration of Brian Diaz" signed on May 29, 2008. This document is Bates numbered SPRMEH-002932.

31. Attached hereto as Exhibit 30 is a true and correct copy of "Declaration of Dina Assad" signed June 4, 2008. This document is Bates numbered SPRMEH-002942.

32. Attached hereto as Exhibit 31 is a true and correct copy of "Declaration of Jason Brown" signed May 30, 2008. This document is Bates numbered SPRMEH-002930.

33. Attached hereto as Exhibit 32 is a true and correct copy of "Declaration of Ayana Bedford" signed June 3, 2008. This document is Bates numbered SPRMEH-002947.

34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from June 12, 2008 deposition of Rob Lynch.

35. Attached hereto as Exhibit 34 is a true and correct copy of "Retail Time & Attendance – Store Manager Launch Guide – June 2006." This document is Bates numbered SPRMEH-002193.

36. Attached hereto as Exhibit 35 is a true and correct copy of the deposition transcript of Robert E. Bair, who was deposed on June 12, 2008.

37. Attached hereto as Exhibit 36 is a true and correct copy of excerpts from the deposition of Derek Bailey, who was deposed on June 26, 2008.

38. Attached hereto as Exhibit 37 is a true and correct copy of "Overview to Managers' Guide to Retail Time & Attendance." This document is Bates numbered SPRMEH-002004.

39. Attached hereto as Exhibit 38 is a true and correct copy of "Declaration of Clara Galarza" signed on May 29, 2008. This document is Bates numbered SPRMEH-002931.

40. Attached hereto as Exhibit 39 is a true and correct copy of "Declaration of Guerdine Gelin" signed on May 29, 2008. This document is Bates numbered SPRMEH-002933.

41. Attached hereto as Exhibit 40 is a true and correct copy of excerpts from the deposition of Laurilyn Dowling, who was deposed on June 19, 2008.

42. Attached hereto as Exhibit 41 is a true and correct copy of "Declaration of Sheri Ratliff (w/ Exhibit A)" signed on July 23, 2008.

43. Attached hereto as Exhibit 42 is a true and correct copy of "Declaration of Omar Estevez" signed May 30, 2008. This document is Bates numbered SPRMEH-002929.

44. Attached hereto as Exhibit 43 is a true and correct copy of "Declaration of Luis

Gonzalez” signed May 7, 2008. This document is Bates numbered SPRMEH-002938.

45. Attached hereto as Exhibit 44 is a true and correct copy of “Declaration of Adlyn Grimotes” signed May 7, 2008. This document is Bates numbered SPRMEH-002937.

46. Attached hereto as Exhibit 45 is a true and correct copy of “Declaration of Melissa Guzman” signed May 6, 2008. This document is Bates numbered SPRMEH-002934.

47. Attached hereto as Exhibit 46 is a true and correct copy of “Declaration of Mairenys Lavandier” signed May 7, 2008. This document is Bates numbered SPRMEH-002939.

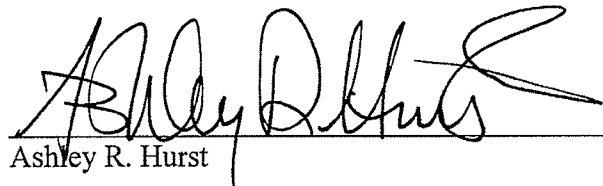
48. Attached hereto as Exhibit 47 is a true and correct copy of “Declaration of Karolin Geronimo” signed May 8, 2008. This document is Bates numbered SPRMEH-002945.

49. Attached hereto as Exhibit 48 is a true and correct copy of “Declaration of Michael Valdez” signed May 6, 2008. This document is Bates numbered SPRMEH-002936.

50. Attached hereto as Exhibit 49 is a true and correct copy of “2006 Sales Incentive Plans Retail CAF Packet Effective Date: May 1, 2006; Document revised: April 30, 2006.” This document is Bates numbered SPRMEH-002346.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of July, 2008, in Atlanta, Georgia.


Ashley R. Hurst

Ashley Hurst Declaration

Exhibits 1-49

(Filed Under Seal)